

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
MORRIS GITHUKA
TO PRACTICE AS A
RADIOLOGY TECHNOLOGIST
IN THE STATE OF UTAH

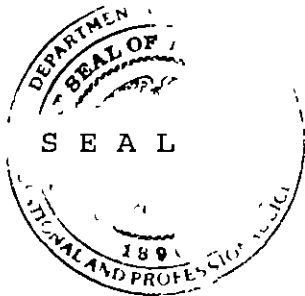
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: ORDER REINSTATING LICENSE
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: Case No. DOPL-2006-239
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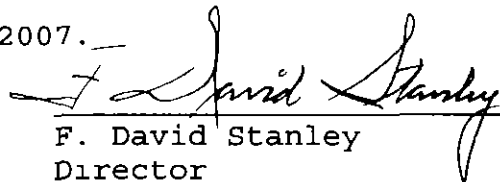
BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth
in the Division's Memorandum of Understanding and Order, dated
November 17, 2006, in the above-referenced case number.

IT IS HEREBY ORDERED the probation on the license of MORRIS
GITHUKA to practice as a radiology technologist be terminated and
said license be reinstated with full privileges effective the date of
this Order

Dated this 7 day of May, 2007.




F. David Stanley
Director

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
Commercial Enforcement Division
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Salt Lake City, Utah 84114-6741
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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE ISSUANCE OF) **MEMORANDUM OF**
A PROBATIONARY LICENSE TO MORRIS) **UNDERSTANDING AND ORDER**
GITHUKA TO PRACTICE AS A RADIOLOGY)
TECHNOLOGIST IN THE STATE OF UTAH) **CASE NO. DOPL 2006- 239**

Morris Githuka ("Respondent") submitted an application for initial licensure as a Radiology Technologist on or about October 26, 2006. On the Qualifying Questionnaire Respondent answered "yes" to questions #22 and #23. Documentation has been received by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") showing that Respondent pleaded guilty to one count of Assault (Domestic Violence) on or about May 31, 2005.

Based upon Respondent's plea of guilty, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as a Radiology Technologist, subject to the following terms and conditions, which shall be in effect for a period of two years commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits the conduct described above is unprofessional conduct as defined in Utah Code Annotated § 58-1-501(2)(c).
- 2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement.

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- 3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter
- 4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities
- 5 Respondent shall successfully complete and satisfy the following terms and conditions
 - a Respondent shall meet with the Board on a quarterly basis or at a frequency requested by the Division or Board
 - b Respondent shall provide to any employer(s) a copy of this Memorandum of Understanding and Order
 - c Respondent shall cause his employer to submit a report summarizing Respondent's work performance on a quarterly basis to the Division and Board in a format approved by the Division and Board
- 6 Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's practice as a Radiology Technologist
- 7 Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure
- 8 If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license to practice as a Radiology Technologist will be lifted and Respondent's license will not be subject to further restriction
- 9 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction
- 10 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. The Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions
- 11 This document constitutes the entire agreement between the parties and supersedes and cancels any

and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order.


- 12 Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order. Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
CLYDE ORMOND
Bureau Manager


DATE 11/17/06

RESPONDENT

BY 
MORRIS GITHUKA

DATE 11/16/06

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

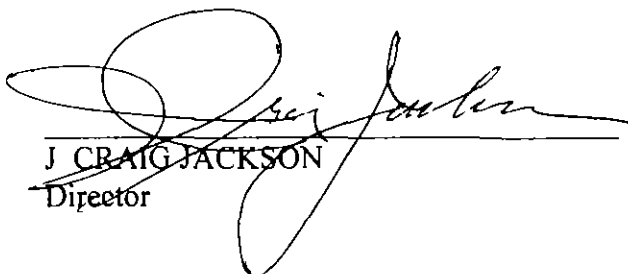
DATE 7 Nov 06

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **MORRIS GITHUKA**, is hereby approved by the Division of Occupational and Professional Licensing. The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute my final Order in this case.

DATED this 17th day of November, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J CRAIG JACKSON
Director